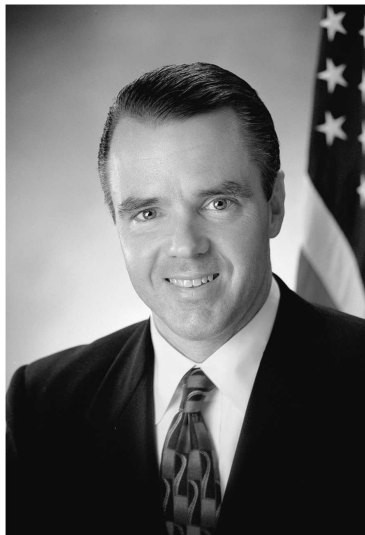


# **Monroe County District Attorney's Office**



## **2004 Annual Report**



**Hon. Michael C. Green, District Attorney, Monroe County**

# **MONROE COUNTY DISTRICT ATTORNEY’S OFFICE 2004 ANNUAL REPORT**

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## A MESSAGE FROM MIKE GREEN



**Thank you** for taking the time to review the Monroe County District Attorney's Office Annual Report for 2004. This report will highlight what was a productive and dynamic year for our office. We instituted policies restricting plea bargaining for those who carry guns illegally and use them to commit other crimes, particularly those involved in selling drugs. We partnered with other law enforcement and community agencies in Project Impact/Ceasefire to reduce violence and homicides. We enhanced domestic violence prosecutions through our new evidence based prosecution policy, under which we look for physical and other alternative types of evidence to prosecute these offenses where victims may be reluctant to testify. We made major changes in the way felony cases are processed, using prompt Grand Jury presentations to provide for more vigorous, efficient and effective prosecutions. We also, with the help of Monroe

County, developed a website to help keep the public informed of our efforts. These changes, along with a work load of over 35,000 cases, provided a real challenge for our staff. As you will see from this report, they responded in remarkable fashion. I hope you share my pride in the outstanding work done by members of the Monroe County District Attorney's Office this past year.

This is the first year a report like this has been published. It is important to bear in mind that numbers or statistics do not tell the whole story. Behind the statistics are real people whose lives have been significantly impacted as victims or defendants. Each case is unique and must be judged individually, considering the crime, strength of proof available, background of the defendant and many other relevant factors. Without resort to the facts of a particular case, statistics will not tell us if justice has been served.

One thing, however, is clear - simply locking people up will not solve all our crime problems. Until we as a society address the social issues that go hand in hand with high crime, like the breakdown of the family structure, high child poverty rates, our educational system, and many more, we will never eliminate crime and violence.

Since being elected District Attorney last year, I have reached out to our community and worked with others to improve the quality of life in Monroe County. Communication is a critical aspect of that effort. I hope that this report will help the community better understand the efforts our office is undertaking to reduce crime and make Monroe County a better place to live and work. I welcome any feedback regarding our work. This is a team effort - working together, we can make this community better for everyone.

Thank you for your help and support!



## DEDICATION

### HON. HOWARD R. RELIN

Monroe County District Attorney 1983-2003



2004 marked the first year in two decades that the Monroe County District Attorney's Office was not led by Howard R. Relin. Relin's 20 years as Monroe County District Attorney was the longest tenure of any District Attorney in the 182-year history of Monroe County. One of the most popular elected officials in Monroe County history, he garnered an average of 72 percent of the vote in the 5 elections he won.

Howard dedicated his entire professional career to serving the Citizens of Monroe County, spending 35 years in the Monroe County District Attorney's Office. He was the First Monroe County District Attorney in 75 years to be elected President of the New York State District Attorneys Association, and the only one ever to be elected to the National District Attorneys Association Board of Directors. The outstanding staff he assembled and the relationships he

forged with law enforcement and community groups were the foundation of many of our achievements this year.

As District Attorney, Howard oversaw over 600,000 prosecutions, including 36,000 felony convictions and 572 homicide trial convictions. Arthur Shawcross, Willis Knight, Mark Christie and Angel Mateo were just a few of the murderers sentenced to life in prison - or death, in Mateo's case - while he was District Attorney. The office's DWI conviction rate was among the highest in the State under Howard's watch. He was also instrumental in instituting the first drug treatment court in New York State, and in teaming with Federal authorities to make Monroe only the second County in the nation to take part in Project Exile, a joint Federal-State effort to combat gun crimes, which has now been expanded to over 40 Counties nationwide.

Retired, but never to be forgotten, Monroe County District Attorney Michael Green dedicates this first Annual Report of the Monroe County District Attorney's Office to the man who served the Office so long and so ably - Howard R. Relin.

## OVERVIEW AND HIGHLIGHTS

Under the leadership of District Attorney Mike Green, the Monroe County District Attorney's Office prosecuted over 5,000 felonies and 30,000 misdemeanor crimes and violations committed in Monroe County in 2004. Each case is evaluated individually, with the goals of protecting the community and seeking justice for victims factored in along with the nature of the crime and the background of the accused. Practical concerns also come into play; some cases can not be fully prosecuted because of lack of evidence, witnesses who do not cooperate, legal technicalities, and the like.

With **77 attorneys** and a nearly equal support staff, the Monroe County District Attorney's Office is one of the largest law firms in Monroe County, and ranks in the **top ten District Attorney's offices statewide in caseload**. The Office is located in the Ebenezer Watts Building, at 47 South Fitzhugh Street, Rochester, 14614.

As the chief law enforcement officer for Monroe County, District Attorney Green leads the fight against crime by prosecuting criminals and ensuring the rights of crime victims. In addition to investigating and prosecuting crime, Green has implemented and continued innovative policies that will assure the most effective prosecution of all crimes, particularly homicides and other violent crimes.

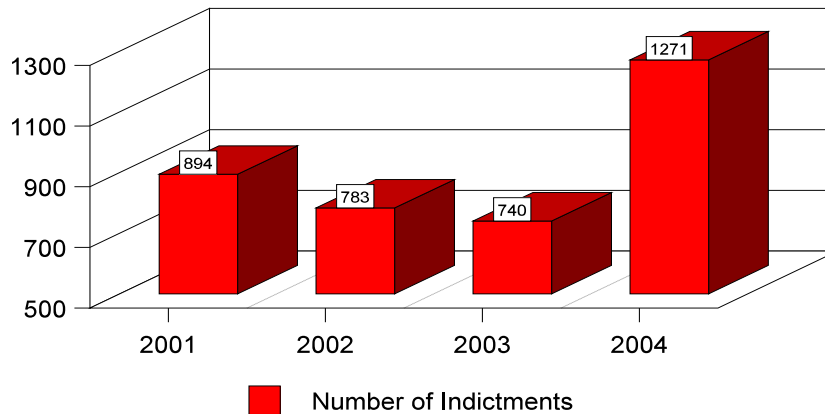
These initiatives include:

- Expediting presentation of cases to Grand Juries, reducing the number of times witnesses are required to testify and assuring that violent criminals are prosecuted swiftly.
- Joining forces with various law enforcement agencies to develop and implement **Project Impact/Ceasefire**, designed to identify violent criminals and focus our full capabilities on them.
- Maintaining the **Project Exile** partnership with the U.S. Attorney's Office to obtain the maximum possible sentences for gun crimes, and recommending that even first-time gun offenders be sentenced to State Prison.
- Implementing **Evidence-Based Prosecution** of domestic violence crimes.
- Continuing the office's commitment to the **Drug Court** program, decreasing the recidivism rate of non-violent offenders with drug problems.
- Obtaining state and Federal grants to dedicate one assistant district attorney to working full-time on **Insurance Fraud** cases, and another to **Community Prosecution work**.

These initiatives reflect Mike's belief that cooperation among Government officials and private citizens is critical to reducing crime and revitalizing the community. He, and all the attorneys in the office, are committed to making Rochester and Monroe County a safer place to live, work and visit.

The Monroe County District Attorney's Office was singled out in the **Governor's 2005 State of the State address**. Governor Pataki applauded the Office's efforts to reduce violent crime, noting that Monroe County was the first County in the State chosen for Project Impact and had achieved an almost **38% reduction in City homicides**, including an almost **66% drop in the target group** - young African-American males.

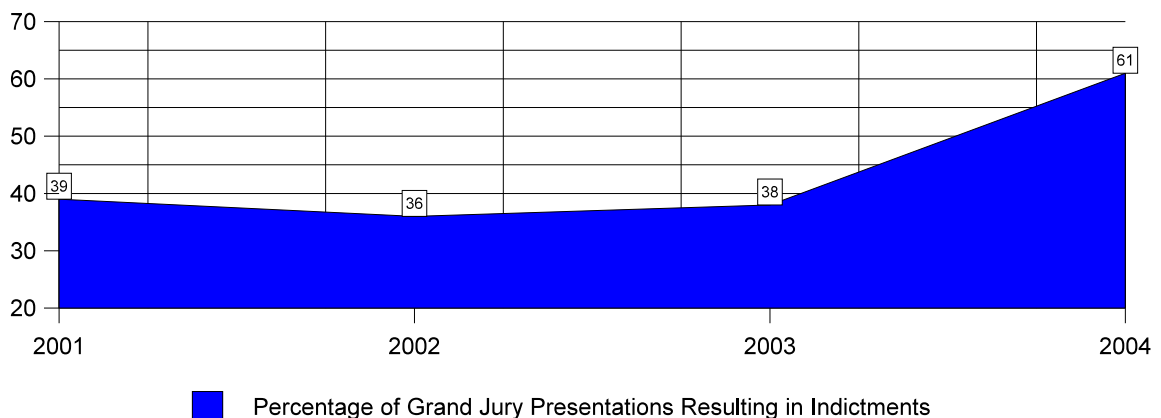
## Indictments 2001-2004



This is just one indication of the hard work that Monroe County prosecutors do every day. In 2004, the District Attorney's Office:

- Prosecuted over **5000 felony** cases.
- Handled over **30,000** misdemeanors and violations.
- Increased the **Indictment Rate** for felony offenses to **61%** (up from 38% in 2003).
- Posted a **97% Superior Court (Felony) Conviction Rate**, including a **77% Superior Court Trial Conviction Rate**.

## Superior Court (Felony) Indictment Rate

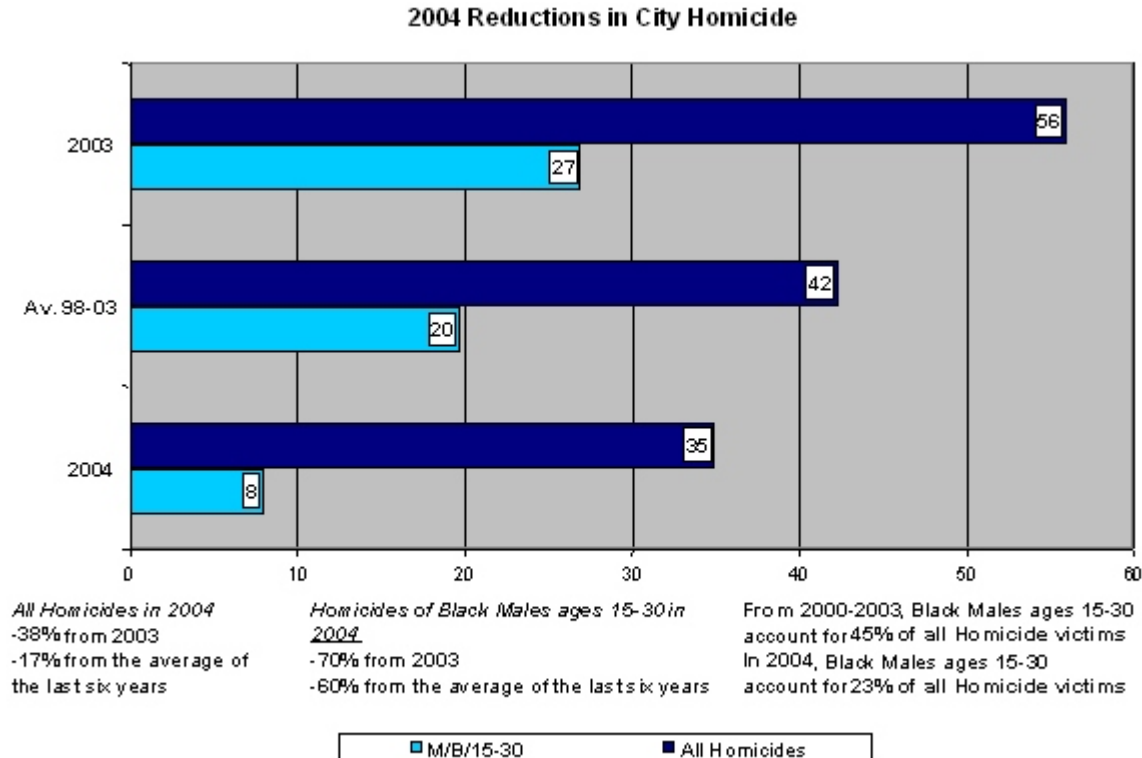


## HOMICIDE BUREAU

The Homicide Bureau prosecutes those accused of the ultimate crime - the taking of the life of another. The Bureau is staffed by the most capable and experienced attorneys from the other Bureaus, under the direct supervision of First Assistant District Attorney Ken Hyland.

This year, the District Attorney's Office is happy to report that the **homicide rate dropped dramatically** over the previous few years. There were 35 total homicides committed in Rochester in 2004, **a drop of 37.5% from 2003**, and the lowest number since 1999. The loss of even one innocent life is one too many, but the dramatic decline in the homicide rate this year is clearly a positive sign for our community.

While there is no way to tell precisely why the homicide rate declined so dramatically, the efforts the Office made to crack down on violent crime can not be discounted. In particular, the Major Felony and Special Investigations Bureaus, implementing **Project Impact/Ceasefire**, won major victories against the groups and drug syndicates that fuel violence in our community. These efforts are detailed later in this report.



\*Source - Rochester Police Department

Some of the convictions obtained by the Homicide Bureau in 2004 included:

**Kevin Bryant**, the former Penfield attorney who was convicted of First Degree Murder for arranging the murder of his wife, Tabatha. Tabatha Bryant was found stabbed and shot in the couple's Penfield home. Bryant was ultimately given the maximum sentence of life imprisonment without parole.

**Anthony Garrett**, who robbed Andrew Attinasi and two young ladies who were just leaving a downtown nightclub and were walking home. Garrett was also sentenced to Life Without Parole.

**Lucius Wright**, who was sentenced to 65 years to life in prison after being convicted of Murder, Kidnapping and Robbery in connection with a string of crimes on August 31, 2003 that culminated in the slaying of Robert Barney.

All in all, the Office **successfully prosecuted 32 homicide cases** in 2004. Of those, 23 defendants were sentenced to life in prison:

### **LIFE SENTENCES IN MURDER PROSECUTIONS - 2004**

<b><u>DEFENDANT</u></b>	<b><u>CRIME</u></b>	<b><u>SENTENCE</u></b>
BRYANT, KEVIN	First Degree Murder	LIFE w/o PAROLE
GARRETT, ANTHONY	First Degree Murder	LIFE w/o PAROLE
CARRASQUILLO, ANGEL	First Degree Murder	LIFE w/o PAROLE
WRIGHT, LUCIUS	Depraved Murder	65 to LIFE
ADAMS, CHARLES	Intentional Murder	25 to LIFE
COBB, CHARLES	Intentional Murder	25 to LIFE
HATHAWAY, CHARLES	Intentional Murder	25 to LIFE
LAWHORN, TYRONE	Depraved Murder	25 to LIFE
MANUEL, TERRY	Intentional Murder	25 to LIFE
MCFADDEN, RONALD	Felony Murder	25 to LIFE
MCWILLIAMS, ERNEST	Intentional Murder	25 to LIFE
RODRIGUEZ, EDWARD	Intentional Murder	25 to LIFE
SALAMONE, JAMES	Intentional Murder	25 to LIFE
STEVENS, ANDRE	Intentional Murder	25 to LIFE
VOUGHT, LARRY	Intentional Murder	25 to LIFE
WASHINGTON, TERRY	Intentional Murder	22 to LIFE
GILMORE, GABRIEL	Intentional Murder	20 to LIFE
HERNANDEZ, MICHAEL	Depraved Murder	20 to LIFE
MALAVE, BALTAZAR	Intentional Murder	20 to LIFE
MORALES, EDWIN	Intentional Murder	20 to LIFE
JONES, TIMOTHY	Depraved Murder	18 to LIFE
REDSICKER, JOSHUA	Intentional Murder	15 to LIFE
WHITE, QUIN	Intentional Murder	15 to LIFE



## PROJECT IMPACT/OPERATION CEASEFIRE



Our success in reducing violent crime in 2004, as Governor Pataki recognized in his State of the State address, owes much to the implementation of Project Impact and Operation Ceasefire. These initiatives utilize multi-agency partnerships and collaboration with criminal justice and community groups to hold serious violent criminals accountable for their actions, specifically violent group members and gun offenders. Accountability is achieved through focused law enforcement operations that address those offenders and members of their groups who are involved in violent activities. These programs represent strong partnerships between law enforcement and the community working together on the mission of “stopping the violence.”

### Groups Targeted

Group violence is a major focus of these programs. Prosecutors, particularly in the Special Investigations and Major Felony Bureaus, teamed with police agencies to crack down on several local groups.

**Thurston Zoo** was the first group targeted, after the death of Craig Brown in the Spring of 2003. To date, there have been 14 arrests of people associated with this group, with 12 felony convictions, 1 youthful offender adjudication and 12 jail or prison sentences ranging from 1 year to life in prison.

Since then, three other groups have been targeted as well:

**Dipset** - 12 arrests (10 felony), 8 felony convictions, with sentences ranging from local jail to life in prison, including sentences of 65 years to life, 30 to 65 years, 15 years, 12 years, 10 years, 5 years and 4 years;

**Trust St. Crew** - 11 arrests (10 felony), with all 10 indicted. 3 pled guilty as charged, and 7 remain pending;

**Murder Unit** - 11 arrests, all defendants facing federal charges.

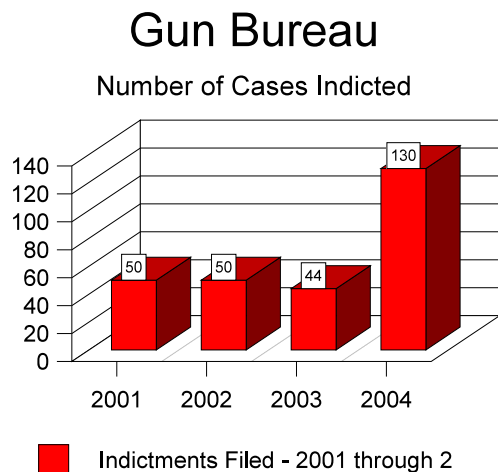
These and other group related convictions typify the Project Impact/Ceasefire philosophy of taking a hard line in cases involving known group members connected with violent crime. There is now a “no reduction” policy where there is sufficient evidence for a top-count prosecution of drug, weapons or violent crimes involving targeted group members. The effect has been increased prison sentences in these cases, and a message being sent to remaining group members on the street - continue to commit these types of crime, and you too can look forward to spending substantial time in State and/or Federal prison. These

efforts contributed to a **66% reduction in homicides** among the target group most affected by violent crime - young African-American males.

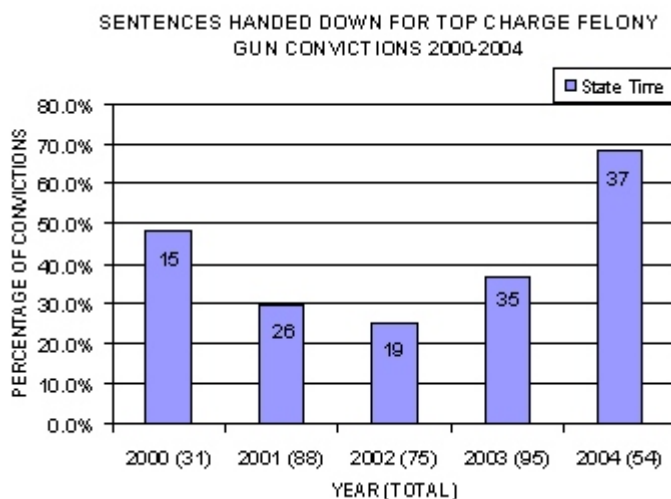
The success of these efforts at combatting violent street crime was highlighted in an article in the February 28, 2005 edition of the New York Times. In an article entitled “Breaking the Gangs Down, A Merciless Step at a Time”, the Times described in detail the Project Impact/Ceasefire strategy, and noted its success against the four groups noted above. District Attorney Michael Green was quoted in the article, as was Mayor William Johnson and others involved in the program.

## GUN BUREAU/PROJECT EXILE

**Most of the violent crime** in our community involves the possession and use of illegal handguns. In an effort to prevent violent crime, the Monroe County District Attorney's Office is aggressively prosecuting any individual who possesses an illegal weapon. To further that objective, a special bureau, the Gun Bureau, was formed and operates as part of the Major Felony Bureau. The objective of this bureau is to take individuals who possess illegal weapons off the street and incarcerate them for as long as possible before they use the guns to commit other violent crimes. The results of this program directly impact the community in two ways: first, the individual who possessed the illegal weapon no longer poses a threat to the community; and, second, there is a strong deterrent to those who would otherwise possess illegal weapons.



As part of our commitment to ending gun crimes, the District Attorney's Office has continued to work closely with Federal prosecutors through the Project Exile program. Project Exile, launched here in 1998, is a joint program between our Office and the United States Attorney's Office designed to ensure that the longest possible prison sentences will be obtained in gun cases. The Office is especially appreciative of the continued commitment of **Mike Battle**, U.S. Attorney for the Western District of New York, and his Rochester Office Head **Brad Tyler**, to the Project Exile program. The positive results seen this year could not have been achieved without their assistance.



Our commitment to Project Exile produced further significant change in our community in 2004. The number of gun possession indictments increased dramatically while, at the same time, the number of homicides decreased dramatically. Prosecutors working in the Gun Bureau have been demanding and have been getting state prison sentences that are longer than the sentences obtained in past years. The average prison sentence in gun cases increased to 4 years, and for the first

time in recent history the sentence most often imposed for gun possession was state prison.

## MAJOR FELONY BUREAU

The Major Felony Bureau, under the leadership of Chief Joanne Winslow, prosecutes **violent felony offenders** and **career criminals**. The Bureau's goal is to obtain the longest sentences warranted by the offense for the benefit of the individual victim as well as for the safety and security of the entire community.

The Major Felony Bureau is comprised of twelve attorneys, who prosecute robbery, burglary, sexual assault and serious assault cases. The Gun Bureau, which operates in conjunction with the Major Felony Bureau, prosecutes gun possession and other weapons-related crimes. Combined, these bureaus took in 1136 felony cases in 2004.

Major Felony Bureau Members are also responsible for prosecuting the majority of homicides that occur in Monroe County. Some of the notable homicide cases tried this year are listed in the Homicide Bureau section of this report.

All in all, the attorneys working in the Major Felony Bureau obtained convictions **in 464 major felony cases in 2004. The bureau had an overall superior court conviction rate of 95%** - outstanding considering the challenges bureau members face in getting witnesses to cooperate and testify in many cases.

There were two significant changes in the plea bargaining practices of the Major Felony Bureau in 2004. Defendants who committed armed violent felonies were no longer offered reductions, absent special circumstances, and defendants who possessed illegal guns were no longer offered local jail sentences. These two changes were implemented in an effort to lower the homicide rate by holding gun toting criminals responsible for the violence they wreak in our community.

The Major Felony Bureau is also an active participant in the Project Impact/Ceasefire program, targeting members of groups engaged in violent crime.

The Office's no-tolerance policy toward gun crimes was typified by cases like:

- **Roberto Murray**, one of ten defendants who received Life sentences in non-homicide cases. Murray was convicted of Attempted Murder in the First Degree for trying to kill a police officer, and was sentenced to 26 1/3 years to life.
- Four members of the **Plymouth Rock group, Kelvin Hunt, Latiek Mitchell, Timothy Jackson and Larry Majors**, were convicted of multiple weapons possession charges. All four men were arrested when police stopped the van in which they were riding a short distance from a house on Shelter Street that was fired upon on

October 26, 2003. A number of weapons were found in the vehicle, and Hunt, who was sentenced to 70 ½ to 81 years, was found wearing a bullet proof vest. Mitchell was sentenced to 72 ½ to 81 years, Jackson to 15 years and Majors is awaiting sentencing.

● Murray was one of 10 Defendants prosecuted by the Major Felony Bureau who received Life Sentences in non-homicide cases. The other 9 were **career criminals** sentenced under New York's persistent violent felony offender law.

<b>DEFENDANT</b>	<b>CRIME COMMITTED</b>	<b>SENTENCE</b>
MURRAY, ROBERTO	Att. Murder 1 <sup>st</sup>	26 1/3 to LIFE
MOORE, LAMONT	Att. Robbery 2 <sup>nd</sup>	20 to LIFE
WOODARD, ALONZO	Burglary 1 <sup>st</sup>	20 to LIFE
OWENS, RICKEY	Burglary 2 <sup>nd</sup>	19 to LIFE
FIGGINS, ANDRE	Burglary 2 <sup>nd</sup>	16 to LIFE
MCCOY, CARL	Crim. Poss. Weapon 3 <sup>rd</sup>	12 to LIFE
BRASWELL, WARREN	Att. Burglary 2 <sup>nd</sup>	12 to LIFE
LAWRENCE, MICHAEL	Att. Burglary 2 <sup>nd</sup>	12 to LIFE
RUBIO, JOSE	Att. Burglary 2 <sup>nd</sup>	12 to LIFE
WOODS, LARRY A	Att. Burglary 2 <sup>nd</sup>	12 to LIFE

In summary, the attorneys in the Major Felony Bureau are working to take more and more **violent felons** and **career criminals** off the streets for longer periods of time. Hopefully, the result will be to make this a safer community and a better place to live and raise families.

## ARSON UNIT

**The Arson Unit**, under the direction of Assistant District Attorney **Paul Irving**, was established to meet the unique challenges of prosecuting arson cases. Irving and Senior Fire Investigator **Mike Fantigrossi** work in cooperation with the **Rochester Fire Department's Arson Task Force** and the **Monroe County Fire Bureau's Fire Investigation Unit** to prosecute those who endanger our community by using fire as a weapon to cause injury and damage property. The Arson Bureau oversees cases from the fire scene to the courtroom. Notable cases last year included:

**Rikki Adams:** Convicted of Third Degree Arson and sentenced to 5 to 15 years in prison for burning down the house of renowned local artist Pepsy Kettavong in the historic Susan B. Anthony neighborhood.

**Anthony Tirado:** convicted of Third Degree Arson and sentenced to 2 to 6 years in prison for setting a fire at the Delco plant in Rochester.

## SPECIAL INVESTIGATIONS BUREAU

The Special Investigations Bureau (“SIB”) is responsible for handling most of the Office’s **drug prosecutions**, as well as other cases that involve special investigative work. The Bureau is led by Thomas Brilbeck and staffed by 6 ADAs.

2004 represented a productive and successful year for SIB attorneys. Bureau members conducted major prosecutions, including murders and high profile drug deals, and supervised numerous investigations and wiretaps. The Bureau’s day-to-day prosecution of street-level dealers and group members was a critical part of the violence-reduction strategy being carried out by this Office and law enforcement agencies.

SIB took in **886 felonies in 2004**, and had an overall **superior court conviction rate of 98%**.

### Significant Convictions

SIB attorneys had several significant convictions last year, including:

**William Banks**, who pled guilty to charges arising out of two long term drug investigations and was sentenced to 15 years to life in prison. In one case, Banks was found in possession of approximately one kilogram of cocaine, which had an uncut street value of between \$25,000 and \$ 30,000. In the other investigation, wiretap and surveillance evidence showed that Banks sold approximately one kilogram of cocaine to a co-defendant. Over \$250,000 and two vehicles were seized as part of the investigations.

**Sam Benjamin**, whose First Degree Criminal Sale of a Controlled Substance conviction wrapped up a one- year investigation by officers from the Greater Rochester Area Narcotics Enforcement Team (“GRANET”). GRANET is a coalition of officers from various local police agencies who focus on drug crimes. Benjamin was sentenced to 20 years to life in prison. He, **Estanislao Martinez** and **Mercado Perez** were distributing large quantities of cocaine on the streets of Rochester. In addition to state prison, each defendant faces deportation back to the Dominican Republic.

**Renee Collado-Rodriguez**, who was arrested as part of a drug investigation that led to the **seizure of over 7 pounds of heroin last year**. Jurors found Rodriguez guilty of first and third degree Criminal Possession of a Controlled Substance for transporting over 3 pounds of heroin into Rochester. He was sentenced to 20 years to life in prison. Rodriguez and co-defendant **Jorge Peterson** were arrested by Rochester Police on Sanford Street in the City as they were delivering the heroin to a confidential informant. Peterson pled guilty to the indictment two weeks before Peterson’s trial. Earlier in the

year, **Gilfredo Chevalier** and **Aida Colon** both pled guilty to charges related to their possession of almost 4 pounds of heroin, together with weapons and over \$150,000 in currency. The **total street value of the heroin was well over \$1 million**, and Chevalier is believed to have been receiving several pounds a month.

**Edward Rodriguez**, convicted of murder in the second degree and sentenced to 25 to life for stabbing his female victim to death and dumping her body near Hollenbeck Street, where he doused the body in lighter fluid and burned her remains.

**Charles Adams**, convicted of Second Degree Murder in connection with the brutal shooting death of a woman and sentenced to 25 to life. Adams had pulled the victim from a car and shot her numerous times as she lay helpless in the street.

**Charles Hathaway**, convicted of second degree murder and sentenced to 25 to life despite the reluctance of the sole eyewitness to the murder to testify.

The following twenty defendants prosecuted by the SIB bureau received sentences of **up to life in prison** for major drug offenses:

<b>DEFENDANT</b>	<b>CRIME COMMITTED</b>	<b>SENTENCE</b>
BENJAMIN, SAM	Pos. Cont. Sub. 1 <sup>st</sup>	20 to LIFE
BANKS, WILLIAM	Pos. Cont. Sub. 1 <sup>st</sup>	15 to LIFE
BANKS, WILLIAM	Sale Cont. Sub. 1 <sup>st</sup>	15 to LIFE
CHEVALIER, GILFERDO	Pos. Cont. Sub. 1 <sup>st</sup>	15 to LIFE
GIL-NUNEZ, SERGIO	Sale Cont. Sub. 1 <sup>st</sup>	15 to LIFE
MARCIAL, ENRIQUE	Pos. Cont. Sub. 1 <sup>st</sup>	15 to LIFE
MCINTOSH, EARL	Pos. Cont. Sub. 1 <sup>st</sup>	15 to LIFE
THOMAS, CLOVERIOUS	Pos. Cont. Sub. 1 <sup>st</sup>	15 to LIFE
CAMACHO, ULISE	Sale Cont. Sub. 2 <sup>nd</sup>	12 to LIFE
WILFERTH, ARTHUR	Pos. Cont. Sub. 2 <sup>nd</sup>	8 to LIFE
DIGUE, ARCIDEZ	Sale Cont. Sub. 1 <sup>st</sup>	7 to LIFE
JONES, JAMES	Sale Cont. Sub. 2 <sup>nd</sup>	7 to LIFE
MCCASKILL, RUDY	Pos. Cont. Sub. 2 <sup>nd</sup>	6 to LIFE
TAYLOR, DARREL	Pos. Cont. Sub. 2 <sup>nd</sup>	6 to LIFE
MUNIZ, RAUL	Sale Cont. Sub. 1 <sup>st</sup>	5 to LIFE
NEGRON, VICTOR	Pos. Cont. Sub. 2 <sup>nd</sup>	5 to LIFE
SEGURA, HECTOR	Sale Cont. Sub. 2 <sup>nd</sup>	5 to LIFE
NEGRON, AWILDA	Pos. Cont. Sub. 2 <sup>nd</sup>	3 to LIFE
RODRIGUEZ, JUAN	Pos. Cont. Sub. 2 <sup>nd</sup>	3 to LIFE
TOMMASELLI, MICHELE	Pos. Cont. Sub. 2 <sup>nd</sup>	3 to LIFE

Six other individuals convicted in 2004 are also facing sentences of up to life in prison when they are sentenced in 2005.

## Street Violence

SIB attorneys have been instrumental in the Office's efforts to **combat group related violence** in Rochester. Through Project Impact/Ceasefire, SIB attorneys have helped identify and aggressively prosecute defendants identified with group activity. This strategy has significantly disrupted the brazen illegal activities of group members in the Thurston Road and Trust Street neighborhoods in Rochester. A no reduction policy on all prosecutable narcotic sale arrests has not only removed many notorious offenders from the street, but served notice to the remaining group members that the police and this Office will fully prosecute those who destroy neighborhoods through violence and drug dealing.

## Investigations/Wiretaps

Bureau members supervised the execution of approximately 23 wiretaps in 2004, targeting various criminal organizations and individuals. This evidence has led to the seizure of pounds of cocaine, marijuana, U.S. currency and other evidence of drug trafficking. Among the more notable examples:

- **Thomas Tribunella** who, along with his mother and brother, were arrested for conspiracy to kill a witness to an assault committed by Tribunella at the Blue Moon saloon. Tribunella was convicted on the assault charge; the conspiracy charge is pending.

- In the fall of 2003, the use of wiretaps and covert surveillance permitted Rochester Police to penetrate a notorious street group responsible for numerous homicides and violence, resulting in several murder prosecutions against group members.

- Numerous cases have been referred to Federal prosecutors under **Project Exile, resulting in enhanced prosecution for gun and drug offenses. Moreover, New York State Attorney General Eliot Spitzer and his Organized Crime Task Force (OCTF)** were more aggressive in drug investigations in the Rochester area in 2004. SIB attorneys have maintained an open line of communication with that office and the local police agencies conducting their investigations. This cooperative effort resulted in several large-scale arrests and indictments of mid and upper level narcotics dealers by the OCTF in 2004.



## **Forfeitures**

In 2004, SIB began to implement a system to allow monies seized during a felony arrest (but not eligible for federal forfeiture) to be earmarked for state forfeiture. By year's end, approximately 26 cases were identified as qualifying for state forfeiture of funds totaling over \$13,000.

The District Attorney's Office also receives a percentage, by formula, of the total seizures in State cases that it is involved in through Federal forfeiture proceedings. Of **approximately \$1 Million in seized assets in 2004, the Office was designated to receive approximately \$60,000.**

## **Conclusion**

In 2004, the Special Investigations Bureau successfully adapted to the innovations implemented by District Attorney Green, and continued to efficiently move a significant caseload, try major cases, and work with police on numerous important investigations. **Violence reduction strategies, a pilot forfeiture program, and a "no reduction" policy on drug sales have all been implemented, with apparent success in reducing violent crime** in Monroe County.

For 2005, a continuation of past successes is a goal, together with expansion of Operation Ceasefire efforts targeting drug dealing in particular streets and neighborhoods. In addition, changes in the Rockefeller drug laws will require staff attorneys to re-evaluate methods by which plea offers are made, and to better identify the true drug "kingpins" who deserve the maximum sentence.

## APPEALS BUREAU

Preserving hard-won convictions obtained after pleas and trials in all levels of Monroe County Courts is the main function of the Appeals Bureau, supervised by Chief of Appeals Wendy Lehmann and Deputy Appeals Bureau Chief Kelly Wolford.

**The Appellate Division affirmed more than 97% of the more than 120 appeals** that the Bureau was involved in over the past 12 months. Those decisions include the affirmances of 17 murder convictions of defendants **Renee Bailey, Kenneth Brown, Ariel Echavarria, Freddie Glover, Anthony Hopson, Joseph Jones, Rommel Lewis, Angel Mateo, Jorge Mateo, Antonio Melendez, Ricky Orta, Jose Ortiz-Castro, Clarence Prude, Phelicia Pruitt, John Smith, James Walker, and Shawn Williams.**

Four of our cases were appealed all the way to the State's highest Court, the **New York Court of Appeals.**

- The Court of Appeals affirmed the guilty verdicts in **Angel Mateo** and **Mark Jones**, both brutal murder convictions. Angel Mateo had been sentenced to death by a Monroe County jury for the execution of Juan Matos in 1995. The Court affirmed the jury's finding of guilt, but reduced the death sentence to a sentence of life without parole, as it has in every other death penalty conviction in the state.

In **Federal Court** Bureau attorneys responded to more than 24 petitions for **habeas corpus** relief brought by prison inmates, and achieved a **100% success** rate on cases decided in 2004.

- Cases in which federal courts dismissed habeas corpus petitions included the following murder convictions: Michael Campbell, Gino Cobos, Thearthur Grimes, Alen Haymon, Eli Lewis, Tim Muldrow, Rodney Nicholson, Joseph Ponder, Richard Snitzel, Miguel Tirado, Jeffrey Tobias, and Richard Whitlach.

The Bureau also defended almost 100 cases on collateral attack in the County and Supreme Courts in 2004.

The Bureau also handles all cases involving **fugitives** from other jurisdictions arrested in Monroe County. Last year the Bureau dealt with about 100 fugitive cases, and in most instances was succesful in sending these defendants out of this county and back to face justice in other states.

**The Appeals Bureau also provides ongoing research and support to the trial bureaus** in the office. Regular summaries of decisions from the United States Supreme

Court, the New York Court of Appeals, and the Fourth Department Appellate Division are provided, as are ongoing advice and research on current issues, and continuing legal education support.



District Attorney Mike Green, Appeals Bureau Chief Wendy Lehmann, outgoing AGACL President Gena Bunn, Incoming President Sean Byrne (also President of the New York Prosecutor's Training Institute) at the presentation ceremony honoring Lehmann.

One of the highlights of the year for the Appeals Bureau was the recognition that **Bureau Chief Wendy Lehmann** received from the Association of Government Attorneys in Capital Litigation. AGACL is a national organization of over 300 agencies and officers involved in the prosecution of capital cases. Lehmann received the organization's **Appellate Advocacy in Capital Cases**.

The award recognized Lehmann's outstanding work in the five capital cases that have been prosecuted in Monroe County since the death penalty was reenacted in 1995, as well as the assistance she provided to other District Attorneys' offices throughout New York State.

In nominating Lehmann for the award, District Attorney Mike Green cited her work on the Angel Mateo case, which culminated in the first death sentence in Monroe County since the penalty was reinstated in 1995. Lehmann coordinated motion practice and acted as legal advisor throughout the four-month trial, in addition to overseeing three separate appeals through the State Appellate Courts and ultimately to the United States Supreme Court. In his nominating letter, Green said Lehmann *"has truly done outstanding work in the field of capital litigation and deserves recognition for her efforts."*

## DOMESTIC VIOLENCE/CHILD & ELDER ABUSE BUREAU

Child abuse, domestic violence, and elder abuse cases are prosecuted by the Domestic Violence Bureau, under the direction of Bureau Chief Douglas Randall.

### Staff and Workload

With the addition of the **integrated domestic violence court prosecutor** in December 2003, the bureau now consists of seven felony attorneys with combined prosecutorial experience of over 70 years. The bureau includes some of the office's most experienced and successful trial attorneys. They are a cohesive, dedicated staff who prosecute cases for the most vulnerable victims. Each has received extensive training in dealing with victims of domestic violence and interviewing child witnesses. The conferences attended were sponsored by the American Prosecutors Research Institute, the New York Prosecutor's Research Institute, and the Battered Women's Justice Project.

The bureau handled about **six hundred fifty (650)** felony cases in 2004, including numerous homicide cases. The integrated domestic violence court, which assigns a single judge to handle all aspects of a domestic case, has handled over three hundred fifty (350) criminal cases with approximately the same number of family court cases associated with them.

Numerous high profile cases were handled last year with excellent results:

**Larry Vought** was convicted of Second Degree Murder for killing his girlfriend by strangulation. Vought was found by police on Route 390 trying to dispose of the woman's body. He was sentenced to 25 years to life in prison.

**Israel Nunez** murdered his girlfriend by repeatedly beating her, sometimes in front of her 6 year old son. Nunez was also convicted of Second Degree Murder, and was sentenced to 25 years to life in prison.

**Louis Flecha** burned the feet of his girlfriend's **three-year-old** son on Christmas day last year. He was convicted of First Degree Assault and was sentenced to the maximum, twenty five years in prison.

**Howard Harris** was convicted of raping a three year old child and helping others to rape the child as well. He was sentenced to 37½ to 75 years in prison.

**Marc Caruso** was sentenced to state prison for sodomizing a 14 year old girl.

**Jesus Gonzalez** was sentenced to 15 years in prison on for trying to sexually assault a nursing home patient with dementia.

**Kevin Parks** was convicted of Course of Sexual Conduct against a 4 year old child and sentenced to 21 years in prison. Our training in working with child witnesses was critical to the case.

### **Community Outreach**

Bureau members serve on a number of **community boards** and organizations, including Society for the Protection and Care of Children, the Monroe County Youth Board, Rape Crisis, the Domestic Violence Consortium, Lifespan, and Pittsford Youth Services. They **teach** continuing legal education courses both in-house and for the Monroe County Bar. They provide **in-service training** to various area law enforcement and community service agencies, including RPD, MCSO, Sexual Assault Nurse Examiners, and Child and Adult Protective workers. They share their legal training and expertise with law students, teaching criminal procedure courses at the State University of New York at Buffalo's Law School and maintaining internships for students of the law **school's Family Violence clinic**. Bureau members also **speak to numerous community and school groups** throughout the year on issues related to their work and the criminal justice system in general.

### **Notable Events**

In October, our **Domestic Violence Case Guidelines** were highlighted at the Rochester/Monroe County Domestic Violence Consortium Symposium, "Linking Systems - Saving Lives." This was the first time all of the procedures associated with prosecuting a domestic violence case were consolidated in writing. Bureau members were instrumental in working with various law enforcement agencies to complete guidelines for police handling these cases.

The guidelines are ground breaking in that they clearly set out our policy of using **evidence based prosecution in dealing with domestic violence cases**. **Evidence based prosecution** involves finding **alternative sources of evidence** to enable us to hold batterers accountable for their actions, even **when victims will not testify**. Bureau members continue to work with various DVC committees to prepare court and service provider protocols, linking systems and increasing the flow of information.

In July members of the bureau were part of the **Grand Opening of the Bivona Child Advocacy Center (CAC)**, associated with the National Center for Missing and Exploited Children. The CAC houses representatives from numerous agencies that work together as part of the County's Multi-Disciplinary Child Abuse Investigative Team, and

serves as a one stop location for law enforcement, child protective, district attorney, medical and social work services to be afforded to a child who has suffered sexual or serious physical abuse. Through the use of a child friendly environment attorneys are able to reduce the trauma experienced by children who are required to recount their abuse. The CAC allows the various systems to obtain the information they need from a victim in one setting, at one time, reducing the number of times questions are asked of the child.

## **FINANCIAL CRIMES, TECHNOLOGY & NON-VIOLENT FELONY BUREAU**

The Financial Crimes, Technology and Non-Violent Felony Bureau is staffed with a total of eight ADAs, all under the supervision of Bureau Chief Jennifer Whitman.

### **Financial and Technology Crimes**

Two attorneys are assigned to prosecute higher-level forgeries, embezzlements, complex or high-dollar financial crimes, computer crime, insurance fraud, identity fraud and welfare fraud. These prosecutors also aid law enforcement personnel in investigating financial crimes. In 2004, approximately 300 of these financial and technology crime cases were reviewed and prosecuted, with a total superior court conviction rate of 98%.

Financial and technology crimes attorneys conduct complex commercial litigations like the case against **Brian Schumacher**. **Schumacher** was successfully prosecuted for stealing over \$600,000 from Xerox corporation, and received a sentence of up to 7 years in state prison.

These prosecutors have also begun to more aggressively prosecute business owners for violating Tax Law and Labor Law. In 2004, a case was instituted against a car dealership that under-reported its income from car sales, resulting in a concomitant reduction in their sales tax payments to New York State. They also prosecuted **Vincenzo LaBarbera**, president of LaBarbera Excavating, for labor law violations. LaBarbera pled guilty to one count of Third Degree Grand Larceny and failure to pay prevailing wage rates under the Labor Law, and was sentenced to 5 years probation with jail time, and ordered to pay restitution.

### **Non-Violent Felony Prosecution**

Six full-time ADAs prosecute non-violent felonies. These crimes include burglaries of non-residential buildings, possession of stolen property (particularly vehicles) and forgeries.

In 2004, 1452 cases were reviewed by these prosecutors, which represents about 240 cases per attorney. Their superior court conviction rate was 98%.

Recently enacted hate crime legislation enabled these ADA's to indict a group of men accused of yelling racial slurs and attacking another man. The indictment, which was handed down in October, is the first hate crime prosecution in Monroe County.

The **Office received funding** from the New York State Department of Criminal Justice Services to devote one ADA and one Investigator to working full-time on **auto theft and insurance fraud cases involving motor vehicles**. This funding will be used to try to reduce the high rate of stolen cars in Monroe County, and particularly in the City of Rochester. In November, the project netted its first Insurance Fraud arrest, charging a local repair shop with billing an insurance company for repairs and part replacements that it did not make. The case was pending at year's end.



## DWI BUREAU

**Drunk drivers** represent a major danger to our community. The DWI Bureau prosecutes all defendants charged with felony DWI, vehicular assaults and homicides, and related cases (Aggravated Unlicensed Operation of a Vehicle 1<sup>st</sup>, for example). Rick Roxin began the year as Bureau Chief; he was succeeded mid-year by Sandra Doorley.

Monroe County has been **among the leaders in DWI prosecutions** in similarly sized counties in recent years. It is our hope that our tough stand on drinking and driving makes Monroe County a safer place.

The DWI Bureau was assigned 559 felony cases in 2004. All in all, the bureau had a total **superior court conviction rate of 99%** - among the best in New York State.

### DWI/DWAI CONVICTIONS

(Counties with over 1,000 convictions)

COUNTY	2002 DWI	2002 DWAI	TOTAL	2002 DWI %
<b>MONROE</b>	1,608	996	2,604	<b>61.75%</b>
ALBANY	449	1,010	1,459	30.77%
DUTCHESS	536	688	1,224	43.79%
ERIE	1,664	1,526	3,190	52.16%
NASSAU	1,121	2,594	3,715	30.17%
ONONDAGA	524	984	1,508	34.75%
ORANGE	762	997	1,759	43.32%
QUEENS	728	741	1,469	49.56%
SUFFOLK	1,868	2,844	4,712	39.64%
WESTCHESTER	670	1,690	2,360	28.39%

\*Source: New York State Department of Motor Vehicles, Division of Research and Development.

While the Monroe County District Attorney's Office takes a tough stand on alcohol related vehicular crimes, part of the mission of the Bureau is to prevent these crimes from occurring in the future. To that end, Defendants charged with felony DWI who surrender their license and demonstrate a commitment to dealing with their alcohol problem may be offered the opportunity to participate in the Pre-trial Diversion Program. Participants in the PTD Program receive counseling and other services to deal with their alcohol issues; if they are successful, they are offered a plea to misdemeanor DWI. Last

year, 120 cases were referred to the PTD program and 70 were accepted. Of the 69 people who concluded the program in 2004, 90% successfully completed it.

### **Cutting Edge Technology**

The Bureau used the latest in automotive technology to convict Danny Hopkins of Second Degree Manslaughter in connection with a fatal car crash that killed 26-year-old Lindsay Kyle. For the first time ever in New York State, data from the "**Black Box**" in Hopkins' vehicle was admitted to show that the vehicle was traveling at over 100 miles per hour shortly before the crash; the posted speed limit was 30 miles per hour. Hopkins fled the scene after the crash.

The "black box" is a data recorder, similar to those found in airliners, that is part of the vehicle's air bag system. It records several seconds of data - generally including velocity, acceleration, engine rpm and even seat and brake pedal position - in continuous loops. In the event of a crash, the loop stops after crash results are recorded. The work done on this case should make it easier to have similar data admitted at future trials.

Hopkins, who was sentenced to 5-15 years in prison for the death of Lindsey Kyle, was only one of several People prosecuted for their involvement in vehicle related deaths or serious injuries in 2004. Others prosecuted for vehicular-related fatalities or serious injuries were:

**Stephen Stoltman**, - jail and probation in the death of Patricia Meese

**Mark Anderson** - jail and probation in the death of Thomas Crimando

**Reinald Negron** - 3 to 9 years in the death of Carlton Crosbie

**Chris Broomfield** - 5 years for a collision injuring Heidi McCarthy

**Justin Head** - jail and probation for a collision injuring Chelsea Clyde



Typical Automobile  
"black box"

## LOCAL COURTS BUREAU

**In terms of sheer volume**, the Local Courts Bureau handles by far the most cases of any Bureau in the Office. It is responsible for prosecuting all misdemeanors and violations in city, town, and village courts, and handles traffic matters in the village and town courts. The more senior attorneys assigned to City Court also oversee most felony arraignments. This bureau alone handles upwards of 30,000 cases per year, including approximately 25,000 misdemeanor cases. It is staffed by 21 attorneys, with 19 being assigned to Justice and City Courts, overseen by Bureau Chief Vince Rizzo and Deputy Chief Tim Prosperi.

Most attorneys begin their career with the Office working in the Justice Courts. There are 10 attorneys assigned to handle all of the 22 Town and Village Courts in Monroe County, with a total of 46 separate Judges.

After working in Justice Courts, attorneys are assigned to Rochester City Court as openings become available. There are a total of 9 City Court Judges, and one ADA is assigned to each. In addition to handling the many misdemeanor and violation cases that come before these courts, ADA's in Rochester City Court participate in the pre-warrant mediation process, which attempts to mediate disputes before they result in criminal charges, and various other specialty courts and programs, including:

**Drug Treatment Court** - Rochester was the first city in the State to establish this innovative program, which allows a defendant to obtain a reduced plea or sentence in exchange for successful completion of a long-term drug and/or alcohol treatment program as well a diploma or GED, employment or enrollment as a full-time student and dealing with family issues. The National Drug Court Institute has documented the positive impact our program in Monroe County has had on recidivism rates. Suitable cases may include misdemeanors as well as some non-violent felonies, but not DWI, Domestic Violence, Sex Crimes, Drug Sales, or Violent Felony Offenses.

**"Road to Recovery"** (special grant) - This is a specific treatment program administered by the drug treatment court judge as an alternative sentence in cases where a state prison sentence is the other likely disposition. It is comprised of a rigorous, long-term in-patient treatment program, including the NYSDOC's Willard program, in which the defendant is removed from the community. Successful completion of the 12-18 month treatment program is required if the offender is to avoid a state prison term.

**Integrated Domestic Violence Court** - Aimed at domestic violence cases where the judge has jurisdiction over Family Court and Divorce related Supreme Court matters to be handled jointly to facilitate resolution of multiple issues.

**Teen Court** - Minor offenses are resolved in a courtroom setting wherein other teenage contemporaries act as judge, jury, prosecutor and defense attorney.

**"Restorative Justice Program"** - Focuses on minor offenses such as trespass, loitering, petit larceny etc. which effect the community and the neighborhood's quality of life issues. Offender and victim(s) meet face to face (if the victim is amenable) with a facilitator/mediator to resolve problems. The offender may avoid a conviction and/or jail if successful. Purpose is to successfully resolve the matter at hand while providing the victim with direct participation while allowing the offender to understand the real consequences of their actions on others as well as their own neighborhood.

## **2004 HIGHLIGHTS:**

The Bureau implemented a number of initiatives in 2004, including:

- Emphasis on evidence based prosecutions of domestic violence cases.
- Safe Program [Stop Abuse in the Family Environment] - aimed at domestic violence programs to provide victims with better and consistent contact with our office to ensure assistance and cooperation.
- **No plea bargaining** policy on certain **community impact/safety cases**:
  - DWI & Driving While Ability Impaired by Drugs
  - Drug Possession (absent drug court or other treatment)
  - Firearms Use and Possession

## GRAND JURY BUREAU

The Grand Jury Bureau, under the supervision of **Bruce Goldman**, is responsible for scheduling all cases that are presented to the Grand Jury for indictment. The Bureau is staffed by two clerks, who provide support for the ADAs presenting cases, and Grand Jury stenographers.

The function of the Grand Jury is to decide whether there is reasonable cause to believe that a person committed a crime. Two separate Grand Juries sit daily for a term of one month each. They are each comprised of 23 citizens from the community.

In 2004, there were **almost 2,100 cases presented** to these two Grand Juries, and about **61% resulted in felony indictments** (compared to 38% in 2003). The rest were either dismissed for lack of evidence or returned to local courts for misdemeanor prosecution.

## VICTIM ASSISTANCE UNIT

**Victims of crime** often experience physical, emotional, and financial trauma as a result of their victimization. The Victim/Witness Bureau within the Monroe County District Attorney's Office provides support services to victims and witnesses of crime. These services include Crime Victims Board compensation applications, case information, court assistance, restitution request forms, parole information, referral services, and community outreach.

In 2004,

Almost **740 witnesses** and **410 Victims** received services;

Advocates rendered almost **25,000 victim/witness services**, including numerous court appearances;

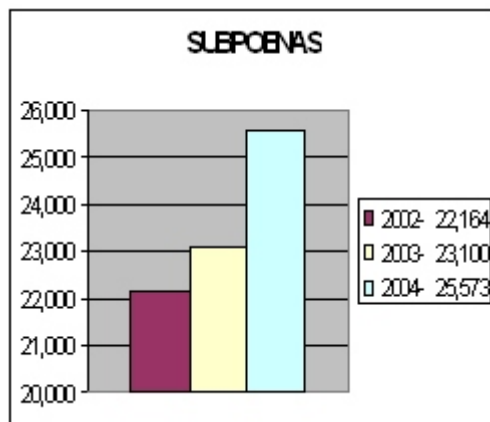
About **620 Parole Notifications/Victim Contact Requests** were made to the N.Y.S. Division of Parole;

Advocates also provided **victim rights training** to various community groups, including the rape crisis center, a local high-school, and a local citizens police academy.

Advocate training is ongoing, and last year the Bureau participated in various programs, including: Sexual Assault Examinations in Monroe County ( How Forensic Evidence Impacts Convictions); Homicide and Victim Spirituality; Technology & Safety Issues for Victims; Identity Theft in the Information Age; Sexual Assault on College Campuses; and Robbery Victim Stalking.

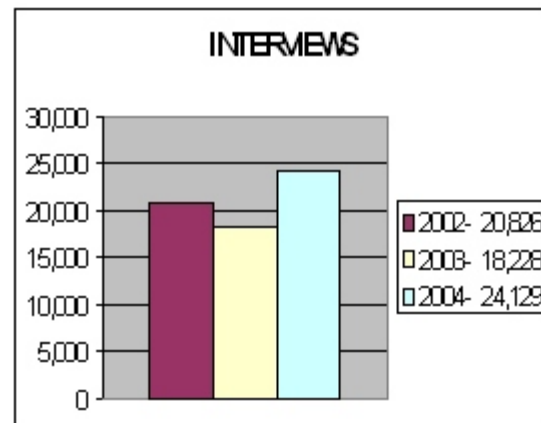
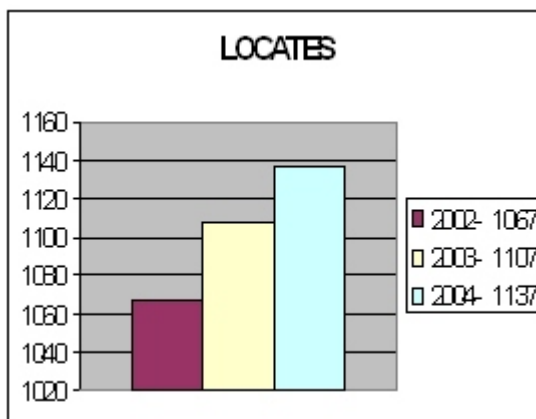
## INVESTIGATORS/WARRANTS DIVISION

**The District Attorney's Investigators Unit**, supervised by **Chief Investigator Mark Kelley**, is made up of 13 full and part-time investigators, each with over 22 years of law enforcement experience. District Attorney investigators perform vital support functions to assist in the effective prosecution of both misdemeanor and felony cases. These support services include post-arrest case review, witness protection and the service of subpoenas and material witness arrest warrants. District Attorney investigators also conduct pro-active investigations and inquiries into alleged public corruption.



District Attorney investigators work with local, state and federal law enforcement agencies in project Impact/Ceasefire and the Violent Crime Task Force. These joint police/prosecution initiatives specifically target members and associates of violent street groups involved in murders, robberies, drug trafficking and other serious crimes in Rochester and Monroe County.

Individual District Attorney investigators are assigned to the various Bureaus within the District Attorney's Office, including the Major Felony, Special Investigations, Domestic Violence and Economic Crime Bureaus. The Investigation Bureau is also in charge of the Office evidence room.





## ADMINISTRATION

**District Attorney Mike Green** heads up the Monroe County District Attorney's Office and is ultimately responsible for every aspect of the Office's efforts to combat crime in Rochester. Prior to his election as District Attorney he served as First Assistant District Attorney, the Capital Crimes Prosecutor, Deputy Chief of the Major Felony Bureau, DWI Bureau Chief, and as a trial attorney in the Major Felony, Non-Violent Felony, DWI and Local Court Bureaus. He has tried over 100 jury trials, prosecuted over 30 homicides, and obtained 88 felony trial convictions. He has been lead prosecutor on four first-degree murder cases.

Green is past regional Vice-President of the Association of Government Attorneys in Capital Litigation. He has been active in Families and Friends of Murdered Children since its inception, serving on their advisory board. He received the Audrey Smith Award in 2000 and a Certificate of Recognition in 2003 from the Monroe County/Rochester Coalition for Crime Victims. He is an active member of the Monroe County Bar Association, tutoring at School #29 through the Lawyers for Learning program and previously serving on the Judiciary Committee and as Chair of the Criminal Justice Section.



**First Assistant Ken Hyland** and **Second Assistant Larry Bernstein** work closely with District Attorney Green in supervising the work of the Office. **Ken Hyland** is in his **27<sup>th</sup> year in the District Attorney's Office**. He was **Second Assistant District Attorney** under Howard Relin, as well as **Chief of the Major Felony and Non-Violent Felony Bureaus**. He has tried more than 100 felony cases, including more than 30 homicides and attempted homicides. As First Assistant, Hyland oversees the Homicide, Major Felony, Special Investigations, Arson and Appeals Bureaus. He also continues to personally prosecute major cases, particularly homicides.

**Larry Bernstein** has been with the Office **for 25 years**. Before being named Second Assistant, he was **Chief of the Major Felony Bureau** for twelve years. He has prosecuted over 30 homicides and attempted homicides, and over 100 other major felony cases. As Second Assistant, Bernstein oversees the Domestic Violence, Economic/Computer, Non-Violent Felony, DWI, Local Court, Victims Assistance and Grand Jury Bureaus. He also continues to prosecute homicides and major felony cases.

The various Bureau Chiefs and Deputy Bureau Chiefs directly supervise the day to day work of the attorneys in their respective Bureaus. The are:

<u>Bureau/Unit</u>	<u>Chief Prosecutor</u>	<u>Deputy</u>
<b>Major Felony</b>	<b>Joanne Winslow</b>	<b>Dave Foster</b>
<b>Special Investigations</b>	<b>Tom Brilbeck</b>	<b>Anne Chase</b>
<b>Appeals</b>	<b>Wendy Lehmann</b>	<b>Kelly Wolford</b>
<b>Domestic Violence</b>	<b>Doug Randall</b>	<b>Cara Briggs</b>
<b>Econ/Comp/Non-Violent</b>	<b>Jennifer Whitman</b>	
<b>DWI</b>	<b>Sandra Doorley</b>	
<b>Local Courts</b>	<b>Vince Rizzo</b>	<b>Tim Prosperi</b>
<b>Arson Prosecutor</b>	<b>Paul Irving</b>	
<b>Grand Jury</b>	<b>Bruce Goldman</b>	
<b>Gun/Exile Liaison</b>	<b>Ray Benitez</b>	
<b>Elder Abuse</b>	<b>Leanne Moser</b>	
<b>Victim/Witness Bureau</b>	<b>Carrie Noble</b>	<b>Paula Penna</b>



## **Support Staff**

The District Attorney's support staff ensures that all of the internal functions of the District Attorney's Office work smoothly. They keep case information up-to-date and accurate, prepare required documents correctly and in a timely manner, and ensure that the other segments of the criminal justice system operating in Monroe County (police, probation officers, judicial and court personnel, and the defense bar) are provided with the information they need to perform their jobs.

**District Attorney Administrator Richard Christopher** is ultimately responsible for the overall supervision of all non-attorney and non-investigative staff. In addition to managing all personnel functions (payroll, personnel issues, time off requests, and scheduling), he is also responsible for formulating the yearly budget request for the District Attorney's Office (over \$12,000,000 in 2005), monitoring expenditures, authorizing payments to vendors for supply purchases, and contracting with expert witnesses for their services. Another big part of the DA Administrator's duties is to seek out possible sources of grant funding, to apply for grants that would enhance the ability of the office to prosecute crimes, and to coordinate grant acceptance process through the Monroe County Legislature. Assisting the District Attorney Administrator in managing the support functions required to keep the office running smoothly are the following key personnel:

The **District Attorney Research Analyst, Gary Campanaro**, is responsible for processing all felonies. This involves reviewing, entering and making bureau assignments. Gary also assists in the Data Entry Operation.

Five **Data Entry Operators** are supervised by **Superior Court Calendar Clerk Vicki Smith**. The Data Entry Operators are responsible for opening cases in our case management system, and entering all information from Monroe County Court Dockets. This year's totals were 25,000 misdemeanor cases entered and 5,000 felony cases entered. Data Entry also maintains entering plea and sentence information.

**Four Paralegals** are currently on staff assisting over 70 Assistant District Attorneys with Court and Trial preparation, collecting information and evidence for use in all cases.

**Thirteen secretaries** do all secretarial work for over 70 attorneys preparing all court and Grand Jury documents and maintaining case files. **Two receptionists** handle all inquiries from Law Enforcement, Attorneys, the public and victims/witnesses both in person and via telephone. All are supervised by **Confidential Assistant to the District Attorney Karen Farsace**.

**Conrad Ziarniak** is the **Acting Systems Administrator**, overseeing and administering the case management system, computer network and acts as liaison with County Information Services Department. He also troubleshoots problems, and advises

the District Attorney and the District Attorney Administrator on potential future equipment and infrastructure requirements.

All of these primary support personnel also participate in committees which decide procedural issues involving preparation of court documents, data entry protocols, and case management and case processing workflows.

## **OUTREACH, TRAINING & INTERNSHIP PROGRAMS**

In addition to the day to day prosecution of crimes, the District Attorney's office is engaged in a number of outreach and training programs for the betterment of the attorneys in the office as well as the community at large. These include:

- In-house Continuing Legal Education Courses, to ensure that all attorneys are kept up to date on new laws and decisions and improve their practice skills.
- Outside Continuing Legal Educations sessions presented by the New York Prosecutor's Training Institute, the National College of District Attorneys and National District Attorney's Association.
- Bringing in experts on important developments in criminal law, such as DNA testing.
- Lecturing throughout the State, including through the New York Prosecutor's Training Institute, to share our expertise with other prosecutors.
- Involvement in various community-based groups focusing on criminal justice problems and victim advocacy.
- Internship programs with various local High Schools and Colleges. These interns provide invaluable support services, while learning about the criminal justice system.

One of the major advances in the outreach programs this year was the development of the **District Attorney's Website**, which can be accessed from the Monroe County website, [www.monroecounty.gov](http://www.monroecounty.gov). Through that resource, the District Attorney's Office is able to keep the community informed about the day to day activities of the Office, and to issue special alerts when needed. Two noteworthy examples are:

### **Online Petition Helps Keep Child Killer James Moore in Prison**

For the 12<sup>th</sup> time since 1982, convicted child killer James Moore applied for parole last year, and once again, the Monroe County District Attorney's Office fought to keep him in jail. Moore killed and then molested 14 year-old Pamela Moss near her Penfield home in 1962. In order to avoid the death penalty, Moore pled guilty and was sentenced to life in prison without parole. Unfortunately, a change in State Law in the early '70s resulted in his becoming eligible for parole.

Every time Moore has come up for parole, this Office has spearheaded a petition drive to help ensure that his parole bids would be denied. This year, we used the internet to **launch an online petition**. The use of this technology allowed us to collect over **8,500 signatures from citizens throughout Monroe County and the entire United States** urging the parole board to keep Moore in prison.

The parole board listened, denying parole to Moore on September 21, 2004. The Board cited “the hideous nature” of the crime, and said that Moore’s release “would diminish the severity of this senseless crime in the eyes of the community [and] would undermine respect for the law.”

The online petition was implemented using in-house personnel and existing internet resources, with the support of County Executive Maggie Brooks and Sheriff Patrick O’Flynn. As a result, we were able to utilize this extremely effective tool without expending any extra tax dollars.

## **Phishing Alarm Sounded**

In a **preemptive strike against Identity Theft**, District Attorney Green issued a **warning to consumers about the dangers of “phishing.”** “Phishers” are hackers who send fraudulent e-mail messages aimed at fooling internet users into providing personal information, such as credit card numbers, account usernames and numbers, passwords and Social Security numbers. The e-mail messages appear to come from legitimate businesses, and usually link to internet sites designed to mimic those of the real businesses.

Reports of phishing reached **epidemic proportions in the fall**, prompting Green to issue a warning through the Office website, as well as a printed brochure. Both contained tips aimed at preventing Monroe County citizens from falling prey to a phishing attack.

## 2004 BUDGET HIGHLIGHTS

**The District Attorney's Office expanded its Community Prosecution Program** in 2004, with an **additional \$150,000 grant from the U.S. Department of Justice**. In 2002, this program stationed an Assistant District Attorney at the Rochester Police Department's Clinton Section, bringing neighborhood groups, local business owners, and other concerned citizens together with police and prosecutors to devise "grass roots" crime prevention programs. The new money allowed the office to add a full-time prosecutor to the program to target those individuals identified in the earlier effort as being involved in gang and drug-related violent crimes.

**The District Attorney's Office also obtained a \$142,000 grant from the New York State Division of Criminal Justice Services** to target auto theft and suspected instances of auto insurance fraud in Monroe County, as well as a **\$70,000 grant** from the same State agency to monitor participants in the Road To Recovery drug treatment program.

The Office expanded the joint program it launched in late 2003 with the Rochester Police Department, Monroe County Probation Department, and other law enforcement agencies to target gang violence. **Project Impact/Ceasefire**, as the program has become known, has resulted in the arrests of over 40 gang members suspected of drug dealing and violence since its inception, and has been credited as partially responsible for the **39% decline in the homicide rate from 2003 to 2004**. **A grant from the New York State Division of Criminal Justice Services in the amount of \$532,324** has ensured that this program will continue to operate in 2005.

In addition to these new grant programs, the District Attorney's Office continued to receive **New York State Aid to Localities** funding in the amount of **\$513,568**, and **Crime Victim's Board** funding to support the DA's Victim/Witness unit in the amount of **\$158,400** per year.

## DISTRICT ATTORNEY WEBSITE

**<http://www.monroecounty.gov/org839.asp>**

District Attorney Mike Green welcomes any comments from the public regarding the performance of the office. Just visit the District Attorney website above and click on the "Contact Us" button.